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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,705	07/15/2002	Haruyuki Miura		2444

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LERNER, DAVID, LITTENBERG,
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EXAMINER

ZHAO, DAQUAN

ART UNIT PAPER NUMBER

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/088,705

Applicant(s)

MIURA ET AL.

Examiner

Daquan Zhao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract " or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. Amendment to the abstract filed on 7/22/2002 needs to be on a separate sheet.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 16, 17, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by coverdale et al (US 6,373,842 B1).

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For claim 1, Minoda teaches a recording apparatus (e.g. column 5, line 29- column 7, line 20, figures 2-3, receiver functional blocks corresponds to the recording apparatus) that records main data divided into a plurality of units (e.g. speech frames 1,2,3,4,5 corresponds to plurality of units) of data reproduced by a reproducing apparatus (e.g. transmitter functional blocks which is a voice-mail server corresponds to the reproducing apparatus) and sent through a network (e.g. wireless access network 20), recording apparatus comprising:

- recording means for recording a main data sent from said reproducing apparatus into a recording medium (e.g. playback buffer 200) ;
- communication means for communicating with said reproducing apparatus through said network (e.g. wireless access network 20);
- detection means for detecting a communication error of said main data received by said communication means (e.g. demodulator and FEC decoder detects the error);
- notification means for notifying said reproducing apparatus of an occurrence of said communication error based on a detection result of communication error provided by said detection means (e.g. the controller 290 generates a retransmission request to the server whenever it receives a notification from the FEC decoder 270 that a frame was received in error); and

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- control means for controlling said recording apparatus to permit the recording again from a start position where recording of the main data started when said communication error is detected by said detection means (e.g. replace the error frame 2 in the receive buffer 202 with the retransmitted frame 2 from the voice-mail server) and for controlling said communication means to send reproducing start data to said reproducing apparatus through said network to start reproducing from the start position of the main data in which said communication error was detected (e.g. send a retransmission request to the server for the error speech frame 2).

For claim 4, Coverdale et al teach a reproducing apparatus that transmits main data reproduced from recording media (voice-mail server 10) to a recording apparatus (receiver functional block has recording medium 200) connected through a network (e.g. wireless access network 20), reproducing apparatus comprising:

- reproducing means for reproducing predetermined main data from said recording media (e.g. speech frames 1, 2, 3, 4 and 5 for transmission);
- communication means for communicating with said recording apparatus through a network (e.g. wireless access network 20).
- detection means for detecting error signals detected in said recording apparatus and received by said communicating means (e.g. FEC decoder detects error frame 2 receives from the server);

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- control means for controlling said reproducing mean to start reproducing from a reproducing start position of the main data when said detection means detects the error signals (e.g. repeat request controller 340 retransmits frame 2 to terminal 140 when a retransmission request receive, column 7, lines 36-64).

For claim 2, Coverdale et al teach the control means further controls said recording apparatus to start recording said main data after receiving, from said reproducing apparatus, said main data reproducing was started from the starting position of the main data in which said communication error was detected (re-records frame 2 in the speech frames receive buffer 202).

For claim 16, Coverdale et al teach a recording method for recording main data reproduced by a reproducing apparatus after dividing said main data into units of data onto a recording media, said main data being sent through a network, said recording method comprising:

See teaching of Coverdale et al above.

- a receiving step of receiving main data sent from said reproducing apparatus;
- a detection step of detecting an error of said main data;
- a recording step of recording said main data into said recording media when no error is detected on said received data;

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- a notification step of notifying said reproducing apparatus that an error is detected; and
- a standby step of standing by (e.g. the transmitter functional blocks and the receiver functional blocks is ready for error correction) at a start position of recording of the main data on which said error detected and starting reproducing of the main data on which said error was detected from the start position of the reproducing in said reproducing apparatus(reproduce frame 2).

Claim 18 is rejected for the same reasons as discussed in claim 16 above.

For claim 17 and 19, Coverdale et al teach a transmitting step of transmitting an instruction to start reproducing to said reproducing apparatus so the reproducing is started from the start position where reproducing of the main data on which said error was detected is started (the controller 290 generates a retransmission request), when standing by for starting of the reproducing apparatus (voice-mail server is ready to retransmit the error frame).

3. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Hidenori Minoda (JP 07-037341, see translation attached).

For claim 12, Hidenori Minoda teaches a recording/reproducing system that performs dubbing by employing a reproducing unit that reproduces data (e.g. figure 5, cd reproduction system comprises cd 41, and a cd reproduction device 20, paragraph

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[0016]), a recording unit that records the reproduced data (e.g. figure 5, MD recording & reproduction system comprises MD 31 and device 32, 33, 34 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 42, paragraph [0015]), and an interface unit that transfers data in a predetermined format (e.g. expansion/compression circuit 7 and shockproof memory 6, paragraph [0024], [0013]) between said reproducing unit and said recording unit, said recording/reproducing system comprising:

Transfer error detection means for detecting a transfer error of data in said interface unit (e.g. paragraph [0027]-[0030], error due to the recording formats of CD and MD are different); and

Suspension mean for stopping said dubbing when said transfer error is detected during said dubbing (e.g. paragraph [0033]-[0035], temporarily halts the CD and MD reproducing and recording apparatus).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coverdale et al (US 6,373,842) as applied to claims 1, 2, 4, 16, 17, 18, 19 above, and further in view of Carlson et al (US 6,804,496 B1).

See teaching of Coverdale et al above.

For claims 3 and 6, coverdale et al fail to teach the status detecting means. Carlson et al teach the status detecting means (e.g. column 5, lines 53-63). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Carlson et al into the teaching of Coverdale et al to detect the status of the source or the destination devices to ensure the devices are in good condition for transmission. One ordinary skill would have been motivated to do so to reduce power consumption when the devices are in noise condition (Carlson et al, column 2, lines 50-56).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coverdale et al (US 6,373,842 B1) as applied to claims 1, 2, 4, 16, 17, 18, 19 above, and further in view of Hidenori Minoda (JP 07-037341, see translation attached).

See the teaching of Coverdale et al above.

For claim 5, Coverdale et al fail to teach suspending the reproducing the main data until an instruction to restart reproducing is received from the recording apparatus. Hidenori Minoda teaches suspending the reproducing the main data until an instruction to restart reproducing is received from the recording apparatus (see paragraph [0041] and [0033]). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hidenori Minoda into the teaching of Coverdale et al to temporarily halt the transmission of the speech frame when

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transmission error is detected to allow sufficient time to fix the error. One ordinary skill in the art at would have been motivated to do so to perform dubbing without data break even if errors should occur during dubbing to enhance the reproduction quality (Hidernori Minoda, page 2, [EFFECT]).

6. Claims 7, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coverdale et al (US 6,373,842 B1) and further in view of Hidenori Minoda (JP 07-037,341, see translation attached).

See teaching of Coverdale et al above.

For claim 7, Coverdale et al teach a recording/reproducing system that performs data dubbing by employing a reproducing unit that reproduce data, a recording unit that records the reproduced data, and an interfaces unit that transfers data in a predetermined format (e,g wireless access network 120, column 5, lines 34-37) between said reproducing unit and said recording unit, recording/ reproducing system comprising:

- transfer error detection means for detecting a transfer error of data in said interface unit (e.g. FEC);
- transfer error notification means for notifying said reproducing unit of said transfer error (e.g. controller 290 generates a retransmission request);

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- reproducing returning to a start of a track of the data on which said transfer error occurred (buffer 105 must have a track to store frame 2); and
- recording retry preparation means for causing said recording unit to return to the start of said of the data on which said transfer error occurred (record again the retransmitted frame 2 in buffer 202); and

However, Coverdale et al fail to teach the following:

- reproduction retry preparation means for causing said reproducing unit to stop based on said transfer error
- recording retry preparation means for causing said recording unit to stop based on said transfer error.
- retry means for sending a command to reproduce from said recording unit to said reproducing unit after causing said reproducing unit and recording unit to stop based on said transfer error after returning to the start of said track, wherein said data dubbing is retried.

Hidegori Minoda teach the following:

- reproduction retry preparation means for causing said reproducing unit to stop based on said transfer error (e.g. paragraph [0033]).
- recording retry preparation means for causing said recording unit to stop based on said transfer error (e.g. paragraph [0033]).
- retry means for sending a command to reproduce from said recording unit to said reproducing unit after causing said reproducing unit and

recording unit to stop based on said transfer error after returning to the start of said track wherein said data dubbing is retried (e.g. paragraph [0034], [0037]),

It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Hidenori Minoda into the teaching of Coverdale et al to temporarily halt the transmission of the speech frame when transmission error is detected to allow sufficient time to fix the error. One ordinary skill in the art at would have been motivated to do so to perform dubbing without data break even if errors should occur during dubbing to enhance the reproduction quality (Hidernori Minoda, page 2, [EFFECT]).

For claim 8, Hidenori Minoda teach conditions at a time of retry performed by said retry means are from said reproducing unit to said recoding unit before causing said reproducing unit and recording unit to stop based on said transfer error (e.g. paragraph [0034], [0037]).

For claims 10 and 11, Hidenori Minoda teach transfer error is due to not receiving audio signals in said predetermined format (e.g. paragraph [0013]).

7. Claims 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidenori Minoda (JP 07-0377341).

For claims 13, 14 and 15, Hidenori Minoda fails to teach an insufficiency of an isochronous resource, a bus reset. And copyright information of said transferred data prohibiting said bubbing. The examiner takes official notice for an insufficiency of an

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isochronous resource, a bus reset. And copyright information of said transferred data prohibiting said bubbling since they are well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to correct the error above to enhance the reproduction quality of the signal.

8. Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coverdale et al (US 6,373,842 B1) and Hidenori Minoda (JP 07-037341) as applied to claims 7, 8, 10 and 11 above.

For claims 9, Coverdale et al and Hidenori Minoda fail to teach a discontinuity of transferred data. The examiner takes official notice for a discontinuity of transferred data since it is well known in the art. It would have been obvious for one ordinary skill in the art at the time the invention was made to correct the error above to enhance the reproduction quality of the signal.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hosoya (US 5,469,546); Tsukihashi (US 6,587,416 B1). Hagiwara et al (US 5,629,948); Inoue (US 6,011,761)

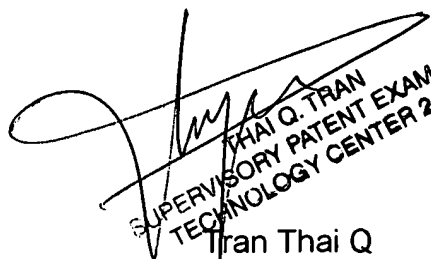
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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